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**PRELIMINARY DRAFT**  
**No. 3448**

**PREPARED BY**  
**LEGISLATIVE SERVICES AGENCY**  
**2011 GENERAL ASSEMBLY**

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**DIGEST**

**Citations Affected:** IC 35-45-4-6.

**Synopsis:** Invasion of privacy by photography. Establishes the crime of invasion of privacy by photography, a Class A misdemeanor. Provides that the crime is committed if a person, with the intent to: (1) gratify the person's sexual desires; (2) humiliate or embarrass the victim; or (3) publish, transmit, or disseminate the photograph; surreptitiously photographs the private area of an individual under circumstances in which a reasonable person would believe that the individual's private area would not be visible to the public. Increases the penalty to a Class D felony if the person publishes, transmits, or otherwise disseminates the photograph.

**Effective:** July 1, 2011.



A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 35-45-4-6 IS ADDED TO THE INDIANA CODE  
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2011]: **Sec. 6. (a) As used in this section, "private area" means**  
4 **the naked or undergarment clad genitals, pubic area, or buttocks**  
5 **of a person.**

6       **(b) A person who, without the consent of the individual:**

7           **(1) knowingly or intentionally surreptitiously photographs,**  
8           **video records, or captures a digital image of the private area**  
9           **of an individual by means of camera, a video camera, or any**  
10          **other type of video recording device;**

11          **(2) performs the act described in subdivision (1) under**  
12          **circumstances in which a reasonable person would believe**  
13          **that the individual's private area would not be visible to the**  
14          **public; and**

15          **(3) performs the act described in subdivision (1) with the**  
16          **intent to:**

17           **(A) gratify the sexual desires of the person;**

18           **(B) humiliate or embarrass the individual; or**

19           **(C) publish, transmit, or otherwise disseminate the**  
20          **photograph, video, or digital image;**

21       **commits invasion of privacy by photography, a Class A**  
22       **misdemeanor. However, the offense is a Class D felony if the**  
23       **person publishes the photograph, video, or digital image or**  
24       **otherwise transmits or disseminates the photograph, video, or**  
25       **digital image to another person.**

